

REMARKS/ARGUMENTS

Restriction/Election

In the Office Action mailed December 5, 2006, the Examiner has subjected claims 1-13 to a restriction requirement. The Examiner has required election between claims 1-11 (Group I) and claims 12-13 (Group II).

Applicants provisionally elect the claims of Group I with traverse, and expressly reserve the right to prosecute the claims of Group II in a later-filed application.

Specifically, the Examiner states that the claims of Group I and Group II do not relate to a single general inventive concept under PCT Rule 13.1 in view of PCT Rule 13.2 in that they lack the same or corresponding special technical features.

Applicants have amended claim 12 to recite "said composition comprising at least one non-nucleotide or non-protein agent" to parallel the language recited in claims 1-11. Accordingly, Applicants submit that Groups I and II share at least one special technical feature that contributes over the prior art. Also, Applicants respectfully submit that the Examiner cannot perform a search for the subject matter of Group I without necessarily reviewing substantially the same subject matter that would be reviewed for examination of Group II.

Conclusion

Applicants respectfully request, in view of the above, that the Examiner withdraw the restriction requirement.

Applicants believe that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1051 in the name of Alcon, Inc.

Respectfully submitted,

January 2, 2007
Date

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